

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NESPRESSO USA, INC.,

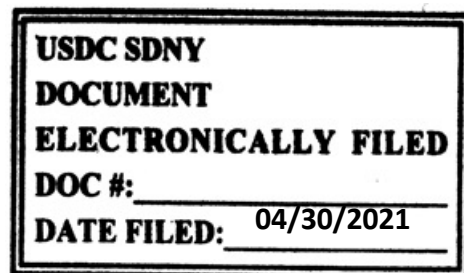
Plaintiff,

-against-

WILLIAMS-SONSMA, INC.,

Defendant.

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1:19-cv-4223 (LAP)

Williams-Sonoma, Inc. ("Williams-Sonoma") has moved to quash a subpoena for documents issued by this Court on December 18, 2020 to Belmoca. The subpoena was issued at Nespresso USA, Inc.'s ("Nespresso") request. Williams-Sonoma's motion is based on its contention that certain documents sought are privileged and immune from disclosure and that other requests are redundant of requests already served on Williams-Sonoma. (ECF No. 90)

In turn, Nespresso has separately moved to compel certain documents withheld by Williams-Sonoma as privileged. (ECF Nos. 156-157)

A large portion of the documents at issue in both motions were generated in connection with settlement proceedings before this Court.

Having spoken with the parties, both motions are resolved in part as follows:

- (1) Nespresso and its affiliates will not seek discovery of communications between Williams-Sonoma and Belmoca in connection with settlement proceedings in the S.D.N.Y. before Magistrate Judge Parker about possible changes to the capsule shape in pursuit of a potential settlement of this litigation and materials created by either Belmoca or Williams-Sonoma in connection with such communications;

- (2) Williams-Sonoma will not object or assist Belmoca in objecting to discovery sought by Nespresso and its affiliates about Belmoca's capacity to create alternate capsule shapes for its customers or the costs of such an endeavor (that is, outside of the settlement-related communications and documents described in bullet one above); and
- (3) Williams-Sonoma will inform Belmoca that it has no objection to the discovery of the information described in bullet point two above.

This resolves the pending motions (ECF Nos. 90, 101, 154, 157, 170) to the extent they concern the items in bullet one.

SO ORDERED  
April 30, 2021



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Katharine H. Parker  
United States Magistrate Judge